

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEHROUZ SHOKRI,

No. 2:16-cv-01132 RSM

Plaintiff,

V.

THE BOEING COMPANY.

Defendant

**STIPULATED MOTION TO
CONTINUE DISPOSITIVE MOTIONS
AND PRETRIAL DEADLINES AND
TRIAL DATE**

Pursuant to Federal Rule of Civil Procedure 16, and Local Rule 16(b)(4), Plaintiff Behrouz Shokri and Defendant The Boeing Company (collectively, “the Parties”), respectfully move for a limited continuance of the trial date and certain related dates. This is the first continuance that the parties have sought. The Parties have conferred and jointly represent that good cause exists for this extension. In support, the Parties state as follows:

A. STATEMENT OF FACTS

1. Under the Court's Order Setting Trial Date and Related Dates (Dkt. 12), this case is currently subject to the following remaining deadlines:

- a. Dispositive motion deadline: October 24, 2017
- b. Motions in limine deadline: December 26, 2017
- c. Agreed pretrial order due: January 10, 2018
- d. Pretrial conference: January 10, 2018

- e. Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due: January 10, 2018
- f. Jury trial (5-10 days): January 22, 2018

2. As a general matter, discovery recently closed on September 25, 2017. However, pursuant to court-approved stipulations, as well as the Court's recent ruling on September 29, certain discovery matters remain to be completed.

3. First, on September 29, 2017, the Court granted in part Boeing's Motion to Compel. The Court also directed Plaintiff to reappear for a continued (2-hour) deposition by no later than October 20, 2017. Due to various scheduling conflicts, the Parties will need to complete this deposition during the week of October 30, 2017.

4. Second, through the same September 29 ruling, the Court granted Plaintiff's request to take the deposition of Mr. Shokri's manager's former manager, Jose Amoedo, by no later than October 24. Due to the same scheduling conflicts referenced above, the parties similarly will need to complete this deposition during the week of October 30, 2017.

5. Third, through the same September 29, ruling the Court required Defendant to provide rebuttal experts reports by October 30, 2017. Mr. Shokri will need to complete these rebuttal expert depositions after Defendant provides reports.

6. Fourth, the Court approved the Parties' stipulation to complete a Fed. R. Civ. P. 30(b)(6) deposition of Boeing after the discovery cutoff. (Dkt. 70.) The precise scope of that 30(b)(6) deposition remains pending before the Court, however, as do certain other discovery issues raised in Plaintiff's Motion to Compel Answers to Discovery and Production of Documents, recently filed on September 22, 2017. (Dkt. 71.) Boeing responded to that Motion on October 10, 2017, and Plaintiff filed his reply on October 13, 2017. (Dkts. 82, 85.) This timing creates an understandable likelihood that the Court will not have an opportunity to issue a comprehensive ruling on Plaintiff's motion sufficiently in advance of the Parties' current October 24 deadline to file dispositive motions.

1 7. The Parties also seek corresponding continuances of the trial date and remaining
2 pre-trial deadlines that have not passed at the date of the filing of this stipulation, and the Parties
3 can continue to complete the remaining fact-witness depositions that were recently authorized by
4 the Court's September 29 ruling (of Mr. Shokri and Mr. Amoedo) during the week of October 30,
5 such that those depositions, and any other open discovery issues, are completed in time to be
6 meaningfully useful in any dispositive motion(s).

B. AUTHORITY

This Motion is based upon the Federal Rules of Civil Procedure, corresponding case law, and the Court’s power to control its calendar. Orders entered before the final pretrial conference may be modified upon a showing of “good cause.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992) (citing Fed. R. Civ. P. 16(b)). Here, the Parties agree that “good cause” exists for the Court to continue the current dispositive motions deadline, as well as the trial date and remaining pre-trial deadlines.

14 Although discovery generally closed on September 25, 2017, the Parties will be completing
15 additional depositions in the coming weeks, including Plaintiff's continued deposition and the
16 deposition of Mr. Amoedo. Due to scheduling conflicts, the parties plan to complete those
17 depositions during the week of October 30. Additionally, Defendant's rebuttal expert reports are
18 not due until October 30, 2017 and Mr. Shokri will need to depose these witnesses. Finally, a
19 corresponding continuance of the trial date and remaining pre-trial deadlines will preserve the
20 parties' and Court's limited resources, ensuring that the Court has a chance to evaluate the parties'
21 dispositive motion(s) before turning to motions *in limine* and other pre-trial filings that the parties
22 are scheduled to submit.

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C. CONCLUSION

For the above-stated reasons, the Parties respectfully request that the Court grant their Stipulated Motion, and continue the dispositive motions and pretrial deadlines as follows:

- a. Dispositive motion deadline: from October 24, 2017 to January 16, 2018
- b. Motions in limine deadline: from December 26, 2017 to March 20, 2018
- c. Agreed pretrial order due: from January 10, 2018 to April 4, 2018
- d. Pretrial conference: from January 10, 2018 to April 4, 2018
- e. Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due: from January 10, 2018 to April 4, 2018
- f. Jury trial: from January 22, 2018 to April 16, 2018

The Parties also request that the Court grant their stipulation to complete the continued deposition of Mr. Shokri and the deposition of Mr. Amoedo—as authorized by the Court’s September 29 ruling—by no later than November 3, 2017.

IT IS SO STIPULATED.

Dated: October 18, 2017

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HAVING REVIEWED THE PARTIES' STIPULATION, THE EXISTING TRIAL DATE AND PRETRIAL DEADLINES ARE ORDERED TO BE EXTENDED AS FOLLOWS:

- a. Dispositive motion deadline: from October 24, 2017 to **January 16, 2018**
- b. Motions in limine deadline: from December 26, 2017 to **March 20, 2018**
- c. Agreed pretrial order due: from January 10, 2018 to **April 4, 2018**
- d. Pretrial conference: from January 10, 2018 to **TBD**

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2 e. Trial briefs, proposed voir dire
3 questions, jury instructions,
neutral statement of the
case, and trial exhibits due:

from January 10, 2018 to **April 11, 2018**

4 f. Jury trial:

from January 22, 2018 to **April 16, 2018**

5 The Parties also request that the Court grant their stipulation to complete the continued
6 deposition of Mr. Shokri and the deposition of Mr. Amoedo – as authorized by the Court's
7 September 29 ruling – by no later than November 3, 2017.
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9 DATED this 19th day of October, 2017.
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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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DEADLINE AND PRETRIAL AND TRIAL DATES
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